



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
Group Art Unit: Unknown

In re Patent Application of

Hussain U. Bahia, et al.

Application No. 10/690,929

Confirmation No.: Unknown

Filed: October 22, 2003

Examiner: Unknown

I, Sally J. Sorensen, hereby certify that this correspondence is being deposited with the US Postal Service as first class mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date of my signature.

Signature

Date of signature

APPARATUS AND METHOD FOR TESTING MATERIAL PERFORMANCE

**INFORMATION DISCLOSURE STATEMENT  
PURSUANT TO 37 CFR §1.97(b)(3) and §1.98(d)**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The Examiner's attention is directed to the references which are listed on the attached Forms PTO/SB/08A and PTO/SB/08B. References A, B and C are attached. Copies of all other references are not being provided because, pursuant to 37 C.F.R. §1.98(d), copies were previously submitted to, or cited by, the office in U.S. Serial No. 09/803,416, filed March 9, 2001, which is being relied upon for an earlier filing date under 35 U.S.C. §120.

In accordance with 37 CFR 1.97(b)(3), these references are provided before the mailing of a first Office Action on the merits. Citation of these references is respectfully requested.

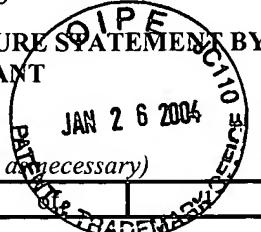
No concession is made that these documents are prior art, and Applicant expressly reserves the right to antedate the documents as may be appropriate.

Respectfully submitted,

  
Jeffrey D. Peterson  
Reg. No. 49,038

**File No. 096429-9147**  
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Substitute of form 1449/PTO		Complete if Known	
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>		<b>Application Number</b>	10/690,929
(use as many sheets as necessary)		<b>Filing Date</b>	October 22, 2003
		<b>First Name Inventor</b>	Hussain U. Bahia
		<b>Group Art Unit</b>	Unknown
		<b>Examiner Name</b>	Unknown
Sheet	1	<b>Attorney Docket Number</b>	096429-9147

**U.S. PATENT DOCUMENTS**

Examiner Initials		U.S. Patent Document Number	Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document
		2,972,249	McRae <i>et al.</i>	02-20-58
		3,478,572	McRae <i>et al.</i>	07-12-68
		4,502,338	Smith <i>et al.</i>	03-05-85
		5,036,709	McRae	08-06-91
		5,275,056	Hamilton <i>et al.</i>	01-04-94
		5,456,118	Hines <i>et al.</i>	10-10-95
		5,606,133	Hines <i>et al.</i>	02-25-97
		5,817,946	Brovold	10-06-98
A		5,824,913	Pyle	10-20-98
		5,911,164	McRae	06-08-99
		5,916,504	Edwards, Jr. <i>et al.</i>	06-29-99
		5,939,642	King <i>et al.</i>	08-17-99
B		6,205,864	Vialletel <i>et al.</i>	03- -01
C		US2001/0049969 A1 09/803,416	Bahai <i>et al.</i>	12-13-01

**FOREIGN PATENT DOCUMENTS**

Examiner Initials		Country Code	Foreign Patent Document Number	Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document	Translation	English Abstract

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Examiner Signature	Date Considered
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**EXAMINER:** Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

**Burden Hour Statement:** This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 0231.

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<p>Substitute for form 1449B/PTO <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> (use as many sheets as necessary)</p>				<i>Complete if Known</i>	
<p>JAN 26 2004 P-1000</p>				Application Number	10/690,929
				Filing Date	October 22, 2003
				First Named Inventor	Hussain U. Bahia
				Group Art Unit	Unknown
				Examiner Name	Unknown
Sheet	1	of	1	Attorney Docket Number	096429-9147

<b>OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS</b>		
Examiner Initials		Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, pages(s), volume-issue numbers(s), publisher, city and/or country where published.
		Bahia <i>et al.</i> , "Optimization of Constructibility and Resistance to Traffic: A New Design Approach for HMA Using the Superpave Compactor", <i>Journal of the Association of Asphalt Paving Technologists</i> , Vol. 67, pp. 189-232 (1998).
		Brown, E. R. and Mallick, Rajib B., "An Initial Evaluation for N <sub>design</sub> Superpave Gyratory Compactor", <i>Journal of the Association of Asphalt Paving Technologists</i> , Vol. 67, pp. 101-124 (1998).
		Anderson, R. Michael and Hussain, U. Bahia, "Evaluation and Selection of Aggregate Gradations for Asphalt Mixtures Using Superpave", <i>TRR</i> , 1583, pp. 91-97 (1997).
		RILEM, Bituminous Binders and Mixes, <i>Report of RILEM Technical Committee 152-PBM Performance of Bituminous Materials</i> , RILEM, NY 10001 (1998).
		Butcher, M., "Determining Gyratory Compaction Characteristics Using Servopac Gyratory Compactor", <i>Transportation Research Record</i> , No. 1630, pp. 89-97 (1998).
		DeSombre, Rachel., Newcomb, David E., Chadbourn, Bruce and Voller, Vaughn, "Parameters to Define the Laboratory Compaction Temperature Range of Hot-Mix Asphalt", <i>Journal of the Association of Asphalt Paving Technologists</i> , Vol. 67, pp. 125-152 (1998).
		Mallick, Rajib B., "Use of Superpave Gyratory Compactor to Characterize Hot Mix Asphalt (HMA)", <i>Transportation Research Board 78<sup>th</sup> Annual Meeting</i> , 10-14 January (1999).

Examiner Signature		Date Considered	
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